

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY 16 1996

In the Matter of
Toll-Free Service Access Codes
Petition for Reconsideration

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

CC Docket No. 95-155

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COMMENTS OF
MCI TELECOMMUNICATIONS CORPORATION

MCI Telecommunications Corporation and its affiliated companies (MCI) oppose the petition for reconsideration filed in the captioned docket by Petitioner Genesis Two, Inc. (Petitioner).¹

Petitioner asks the FCC: (1) to reconsider whether there is a need for implementation of the 888 Service Access Code (SAC) (at 11, 15); (2) to direct the database manager to cease assignment of 888 numbers (at 17); (3) to demand the reclamation of 888 numbers that are currently in "working" status for which 800 replication was requested prior to March 15 but was denied (at 17); (4) to require that residential and paging customers be moved from the 800 SAC to an existing underutilized SAC, preferably the 500 SAC (at 12, 17-18); and (5) to reopen the window for requesting replication for an additional six months (at 18).

To place these requests in context, Petitioner's only "injury" appears to be a perceived diminution in the

¹ Genesis Two, Inc. and Stop 888 Coalition, Petition for Reconsideration, filed April 1, 1996.

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commercial value of his 800 number.² Petitioner states that due to the Commission's order the value of easy-to-remember 800 numbers "has been destroyed" (at 13). Petitioner states that customers will be confused; that they will need to remember ten digits rather than seven; and that they may even abandon calling 800 numbers altogether (at 13-14).

MCI disagrees that opening of the 888 SAC has diminished the value of 800 numbers. MCI and other carriers have notified customers and potential callers that the 888 SAC is an additional toll-free code. Customers are sufficiently sophisticated to cope with the need to press ten digits instead of seven. Indeed, many are beginning to press ten digits at the local level to accommodate exhaust in Number Plan Area codes. There is no reason to believe that customers will make fewer calls, either local or toll-free, as a result.

I. The Record Supports the Need to Implement the 888 SAC

Petitioner claims that the Commission should have probed more deeply into the need for the opening of the 888 code (at 11). The overwhelming evidence in this docket demonstrates that there was, and is, a need for another toll-free code to accommodate customers who, like

² Although Petitioner was unable initially to obtain a request for replication of his 800 number, he later was able to set aside his number in the "unavailable" status (at 9). That resolves any harm that may have been initially incurred, for which the FCC can provide a remedy.

Petitioner, wish to use a toll-free number for receiving inbound calls. Even prior to the Commission's initiation of this proceeding, the industry (carriers, Responsible Organizations (RespOrgs) and the database administrator) had determined that 800 numbers were reaching exhaust. Concurrent with the initiation of this proceeding, the FCC held a series of meetings with carriers and 800 RespOrgs which verified that there was a need and which organized the implementation of the code at the earliest date.

Therefore, it would be superfluous for the Commission to reopen this proceeding to investigate the need to implement the 888 SAC.

II. The Commission Should Not Require the Database Manager To Cease Assignment of 888 Numbers, or To Reclaim Numbers in "Working" Status

Petitioner asks the Commission to halt assignment of 888 numbers, and to reclaim 888 numbers which have been assigned and placed in working status (at 17). Petitioner would have the Commission resolve his perceived problem by causing injury to customers who are using -- or wish to use -- 888 numbers.

Reclamation of 888 numbers that are in "working" status could have a serious impact on customers who are using 888 numbers. These customers may have already made a substantial investment in their 888 numbers; for example, they may have printed the 888 number on their business

stationery and business cards; they may have placed the number in brochures, catalogues and advertisements; or they may otherwise have notified many potential callers of their numbers.

It would be inequitable for the Commission to prevent customers from obtaining 888 numbers that they need, or to require customers that have been assigned 888 numbers, merely to address Petitioner's perceived diminution in the value of his number.

III. The Commission Should Not Require Numbers Assigned to Residential and Paging Customers To Be Moved to Another Code

Petitioner states that the Commission ignored "other viable alternatives to 888 implementation," referring to the proposal to move residential and paging customers to another SAC (at 12). In addition, Petitioner now proposes that the 500 SAC be used for toll-free service.

MCI and others participating in this docket did not support segmentation of the toll-free resources by service category.³ Assigning distinct services to separate codes would be an inefficient use of these resources. Regardless of this action, the 800 resource would eventually deplete and a third code would need to be opened, while the 888 code would be only partially depleted. In addition, services are

³ Comments of MCI Telecommunications Corporation, CC Docket No. 95-155, filed Nov. 1, 1995.

increasingly offered in "packages" and it may be difficult to determine, for a particular customer's service package, which resource would be appropriate.

Petitioner proposes to use the 500 SAC for toll-free personal and paging purposes. The 500 SAC is a nongeographic code which has been designated for personal communications services (PCS) that allow the subscriber to initiate and/or receive calls on the basis of some combination of a personal number, terminal number, and service profile, across multiple networks at any (fixed or mobile) terminal. Thus, toll-free access would not necessarily be eligible for assignment in the 500 SAC. Also, accommodating these uses in the PCS SAC would be inconsistent with Petitioner's stated interest in preventing undesirable customer confusion. Furthermore, using the 500 SAC for toll-free purposes would accelerate depletion of that code, requiring the industry to open another code for PCS purposes.

IV. The Commission Should Not Reopen the Window for Requesting Replication

MCI does not support reopening the period in which holders of 800 numbers may request that their numbers be set aside in the "unavailable" status, pending an FCC decision on whether those numbers may be replicated. Reopening the period to place a number into unavailable status could create as many problems as it resolves. The 888 code has

been open since March and assignments are being made on an ongoing basis. 888 numbers that have not been requested for set-aside to date may already be assigned to another customer. An ugly dispute could arise between the customer holding the 888 number and the 800 customer asking to have that number set aside. Although the dispute would likely be resolved in favor of the valid holder of the 888 number, those interests would need to be reconciled by the RespOrg, or RespOrgs, and potentially by the Commission.

As with any deadline, there will be individuals who are on the "wrong side" of the cutoff date. Nevertheless, the Commission has already afforded customers opportunities to request to have their numbers set aside in the unavailable status. MCI believes that the Commission should focus its attention on resolving the issue of replication and not on reopening the period to set aside additional numbers.

V. Conclusion

In view of the foregoing, MCI asks the Commission to deny the Petition for Reconsideration.

Respectfully submitted,

MCI TELECOMMUNICATIONS CORPORATION

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Dated: May 16, 1996

CERTIFICATE OF SERVICE

I, Veda E. Dessaso, do hereby certify that on this 16th day of May, 1996, copies of the foregoing "REPLY COMMENTS" in CC Docket No. 95-155 were served by first-class U.S. mail, postage prepaid, upon the parties listed on the attached list.



Veda E. Dessaso

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